

***United States Court of Appeals
for the Second Circuit***



APPENDIX

75-7078

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

B

ELLA I. MEIJER-OOSTERINK,
Plaintiff-Appellant

--against--

Docket No. 75-7078

ESSO STANDARD EASTERN, INC.,
Defendant-Appellee

PRO SE

P/S

BRIEF OF PLAINTIFF-APPELLANT

and Appendix

First Draft,
dated 6/13/75



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Table of Contents

	<u>PAGE</u>
Preliminary Statement	1
Statement of Issues Presented for Review.	2
Statement of the Case	4
Nature of the Case.	4
Course of Proceedings and Dispositions in the Courts Below.	5
Statement of Facts.	7
Point I	16
Constitutional Rights	16
Lack of Due Process	17
Point II.	17
Point III	18
Point IV.	21
Point V	22
Point VI.	23
Point VII	24
Point VIII.	25
Point IX.	26
Point X	27
Point XI.	33
CONCLUSION.	34

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CASES CITED

(Precedents through
attorney - research)

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STATUTES CITED

(through attorney)

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UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

ELLA I. MEIJER-COSTERINK,

Plaintiff-Appellant,

-against-

ESSO STANDARD EASTERN, INC.,

Defendant-Appellee.

Docket Number 75-7078

PRO SE

First Draft

Brief of Plaintiff-Appellant

Preliminary Statement

The first decision appealed from, dated November 8, 1974, dismissing Plaintiff-Appellant's case, was rendered by Hon. Charles M. Metzner; the second decision appealed from, dated December 27, 1974, denying her request for a new trial, was also rendered by Hon. Charles M. Metzner.

In view of Plaintiff-Appellant's continuing poor financial condition and inability to attend hearings in New York City, she would also request a change of venue to Houston, Texas unless proper legal representation in New York City is obtained.

Statement of Issues Presented for Review

1. Is the Appeals Court compelled to recognize the finality of the two decisions in this case where the presiding Judge ordered the trial to proceed without permitting Plaintiff-Appellant to replace her appointed attorney and not allowing her co-counsel status or to testify in her own behalf?
2. Is the Appeals Court compelled to agree that her appointed attorney should not have resigned prior to the trial date while requesting another E.E.O.C. attorney to conduct the case for Plaintiff-Appellant as there was a possible conflict of interest?
3. Is the Appeals Court compelled to agree with Judge Metzner's decision that this case merited no JURY TRIAL and in view of certain statements made during the trial, could the presiding Judge be considered impartial?
4. Is the Appeals Court compelled to agree with the presiding Judge's opinion that no references to the parent company of Defendant-Appellee (then Standard Oil Company, New Jersey, now EXXON CORPORATION) should be made while the testimony of the first witness, an employee of the parent company and not involved in the Esso Eastern action was allowed to stand?
5. Is the Appeals Court compelled to agree with the finding that no particular disturbances took place where Defendant-Appellee admitted not investigating this matter, neither were any investigations conducted by agencies as the N.Y. Commission for Human Rights and the Equal Employment Opportunity Commission?

6. Is the Appeals Court compelled to agree with Defendant-Appellee's statement that no rating system existed where no official records search was ordered by the two agencies?

7. Is the Appeals Court compelled to disagree with Plaintiff-Appellant's opinion that if no such rating system existed, Defendant-Appellee (i.e. Mrs. Starkey) committed fraud against her by not advising her during the first interview in 1963 that there was no 10 d(good) rating position but that this was automatically a higher (8) group job?

8. Is the Appeals Court compelled to disagree with Plaintiff-Appellant's opinion that where several papers - attached hereto - which were presented either at the pre-trial conference or entered as Exhibits during the trial and which were not seen by her until after the trial, contain errors, additional evidence is needed to give a proper judgment?

9. Is the Appeals Court compelled to disagree with Plaintiff-Appellant's opinion that salary-comparison should have been with other secretarial employees from her former department at Standard Oil Company, New Jersey (now EXXON CORPORATION) and from ESSO STANDARD EASTERN, INC. with equal total secretarial experience and equal total company seniority?

10. Is the Appeals Court compelled to recognize the finality of the two decisions in this case where there are many factual errors in the two decisions and misstatements were made during the trial which were not corrected?

11. Is the Appeals Court compelled to disagree with Plaintiff-Appellant's opinion that while her charges are JOB DISCRIMINATION BECAUSE OF HER FOREIGN ORIGIN AND SEX and this is an E.E.O.C. case, she also feels her advancing AGE made Defendant-Appellee decide not to rehire her later?

Statement of the Case

Nature of the Case

Plaintiff-Appellant through the appointed attorney, Raymond F. Gregory, filed a Complaint, 71 Civ.1176, against Defendant-Appellee charging discrimination because of her national origin, with the United States District Court for the Southern District of New York, based upon a "Notice of Right To Sue Within 30 Days" letter dated February 11, 1971, from the Equal Employment Opportunity Commission, New York, as provided under Title VII of the Civil Rights Act of 1964, 42 U.S.C.2000 e.

(NOTE: Plaintiff-Appellant had at the original interview with appointed attorney stated she wished to reduce her original charges of discrimination because of Creed, National Origin and Sex to just National Origin and Sex, and also, if not mentioning the parent company, Standard Oil Company, New Jersey, now EXXON CORPORATION, as co-defendant, to state that Defendant-Appellee was an affiliate of aforementioned company and to mention her previous service with aforementioned company and her vested rights.)

Defendant-Appellee filed an Answer dated April 1, 1971, denying all charges and seeking dismissal of the Complaint.

Course of Proceedings and
Disposition in the Courts Below

NOTE: Plaintiff-Appellant was not kept sufficiently up-to-date on the various proceedings once the Complaint and Answer were filed and after she gave a sworn deposition taken by attorneys George Burrell for Defendant-Appellee and Raymond F. Gregory shortly thereafter in 1971 -- HER SWORN DEPOSITION WAS NOT ENTERED ON THE DOCKET. While Plaintiff-Appellant was unemployed during 1971 and had to stay in the Netherlands where she and her minor son received welfare funds, upon her return to New York end 1971 and by subsequently moving to Houston where she could get more regular temporary employment, to the amazement of New York State Welfare officials at no time did appointed attorney obtain a COURT ORDER FOR REINSTATEMENT of Plaintiff-Appellant so that she would have an income while her case was pending.

Plaintiff-Appellant did complain to the Equal Employment Opportunity Commission in New York and Houston that she was not properly represented in New York and then requested a Change of Venue of the case to Houston, Texas as Defendant-Appellee had also moved there end 1971 and is now named ESSO EASTERN, INC. Such a change of venue was indeed requested by appointed attorney, Defendant-Appellee filed a cross motion for summary judgment for dismissal of her case; in April (?) 1973 Plaintiff-Appellant was advised that while the change of venue was denied, a trial date had been set by Judge Ward. The trial was then delayed by appointed attorney's requests for more time to produce documents and interview witnesses and Plaintiff-Appellant wrote several letters to appointed attorney and had several telephone discussions with same regarding required documents and witnesses.

As Plaintiff-Appellant had not received the letter from her appointed attorney that her Answers to Defendant-Appellee's Interrogatories were due for a pre-trial hearing end 1973, another pre-trial hearing was held in January (?) 1974 and her Answers to Interrogatories were apparently filed as this is entered on the docket (slightly heavier type; pencil lines regarding pre-trial underneath). As appointed Attorney Gregory was very busy at that time, an assistant attorney, Edward L. Peck, apparently handled the case from then on.

Plaintiff-Appellant was advised during the summer of 1974 that a firm trial date had been set (August 13, 1974) and if she did not appear in person, her case would be dismissed; she tried to obtain funds for this purpose through the Equal Employment Opportunity Commission New York and her appointed attorney -- she had only been able to secure fairly regular temporary employment in Houston, Texas, even though she had registered with several employment agencies she was not sent out on interviews for permanent positions; being without funds she had been unable to take off time from temporary jobs to conduct her own permanent-job search. When her appointed attorney advised her that no funds could be obtained for her appearance in New York and Plaintiff-Appellant finally discovered that none of the documents she had requested had been obtained, neither were witnesses interviewed, she formally requested another attorney from Equal Employment Opportunity Commission, New York and also advised the Court (Hon. Judge Metzner) of this with her First and Second Pro Se Petitions (SECOND PRO SE PETITION not entered on docket) NOT TO HAVE TRIAL DELAYED BUT TO GIVE TESTIMONY IN HER OWN BEHALF. She was finally able to borrow funds to 1½ days stay in New York City (August 13, 14)

and the trial was held while her appointed attorney was directed by Hon. Judge Metzner to stay on the case. While the decision was pending (this took 3 months) Plaintiff-Appellant already requested E.E.O.C. New York to have an adverse judgment appealed and if no E.E.O.C. staff lawyer could handle her case if a new trial was granted, to again request a change of venue. Plaintiff-Appellant considered her trial to be a hasty, poorly prepared affair and Judge Metzner unfavorably disposed towards her, while no Jury had been permitted.

After receiving the Decision for dismissal of her Complaint, Plaintiff-Appellant filed pro-se motion for a new trial and change of venue -- no E.E.O.C. staff lawyer was assigned to her for that purpose; for other proceedings after that date reference is made to page C of the DOCKET ENTRIES, 71 Civ.1176, a rather illegible copy was sent to Plaintiff-Appellant by Attorney Gregory end March 1975; copy is attached hereto.

*/

Statement of Facts

Upon arrival in the United States end March 1954 as a visitor, and after helping her oldest sister with her second baby and then seeing her off to Dhahran to join her husband, Plaintiff-Appellant applied for permanent resident status and interviewed for two jobs: with the United Nations in New York and Standard Oil Company, New Jersey (now EXXON CORPORATION) -- prior to her coming to the United States, she had received an immigrant's visa for Canada where she would have been employed as secretary by K.L.M. Royal Dutch Airlines, her former employer in the Netherlands.

While she passed the heavy clerical tests at the United Nations and the Dutch quota was open at the U.N. (this remained open until at least 1958), this organization wished to wait with employing her until after she received permanent resident status. She would have received a full secretarial position with fairly good salary and raises, but of course no Thrift Fund bonuses as with Standard Oil Co. N.J. and affiliates.

Since Plaintiff-Appellant had passed the heavy English test and I.Q. test at Standard Oil Company N.J. with a superior score, she was sent out on two interviews; she chose the position open at the General Economics Department; she agreed to accept a low starting salary as a secretary-stenographer on the condition that she would be evaluated soon and her salary revised, and the first opening in the department for full secretary would be hers if her performance was good. At the start of her employment (August 1954 ^{**}) she worked for two middle managers: Mr. Robert M. Lewis and Mr. James B. Meredith, and also helped when the two executive secretaries - Mrs. Theresa Dioguardi, secretary to Manager Robert W. Adams; Miss Evelyn Benecke, secretary to Senior Adviser/Counselor (former Manager) Edward Bennion - had too much work. End 1955 or beginning 1956 she was called in for a discussion with Mrs. Dioguardi during which she was advised that she had been promoted to be Mr. Robert M. Lewis' secretary (Mr. Lewis had become the Senior Assistant Manager in the department) and her rating was Group 10 d (Good); she was subsequently listed in the executive handbook with other secretaries of managerial personnel.

^{**}Plaintiff-Appellant received permanent resident status later in 1954 as meanwhile the Displaced Persons Act was passed which allowed several former Dutch colonial residents to immigrate into the United States.

NOTE: Plaintiff-Appellant was shocked when Mrs. Dioguardi testified at the trial that she had only been a secretary-stenographer and worked for many people at Standard Oil Company N.J. so her subsequent treatment by Esso Eastern did not appear too different. Plaintiff-Appellant meanwhile saw that she was indeed listed as secretary-stenographer on the salary printout (attached) which she has marked as a mistake, however, if this is correct then SONJ should be charged with fraud and misrepresentation -- since they were aware she had been interested in a secretarial job at the United Nations, and had left positions in the Netherlands and Indonesia where she was listed as a secretary-stenographer -- and the upgrading to a higher group and full secretarial status should be dated from the time she was promoted to be Mr. Lewis' secretary at Standard Oil Company, New Jersey (EXXON).

When Plaintiff-Appellant would have to leave Standard Oil Company N.J. because of pregnancy, Mrs. Dioguardi requested that she not apply for a pregnancy leave of absence as this entailed a lot of paperwork for her; a former file-clerk (Miss Joan Fisher?) had caused trouble by repeatedly asking extensions of her maternity leave and finally not returning, Mrs. Dioguardi also thought Plaintiff-Appellant might return to the Netherlands with her husband. Plaintiff-Appellant was informed by Mrs. Dioguardi that people with "vested rights" i.e. more than 5 years with the company had no difficulty in being rehired and then regained their seniority and pension rights.

However, perhaps the real reason Mrs. Dioguardi asked Plaintiff-Appellant to resign was that Miss Benecke's job was being eliminated; Miss Benecke then became Mr. Lewis' secretary a few weeks before Plaintiff-Appellant left; Miss Benecke had a higher group (9) rating in the same job with only a few additional duties as the Coordination Committee minutes with which Plaintiff-Appellant had on occasion helped her. Presumably it might have been difficult to obtain a similar job for Plaintiff-Appellant upon returning from maternity leave.

It proved very difficult to return to Standard Oil Co. N.J. with "vested rights"; when Plaintiff-Appellant inquired in 1960

with SONJ Personnel Department, she was told there was a temporary freeze on hiring (not entirely true), when later (between 1960 and 1963) she tried to return through Mrs. Dioguardi, the personnel employee (Mr. Miklos?) informed her no special privileges could be given to her (i.e. a job without overtime) yet she heard later that others were given such openings.

Between January 1961 and May 1963 Plaintiff-Appellant held an evening keypunch job with Blue Cross/Blue Shield in New York and two days per week also performed temporary secretarial work during the day when her mother-in-law could watch her minor son. Her husband had meanwhile obtained a flying position in the Middle East and had really deserted her and her minor son; when her mother-in-law returned to the Netherlands in 1963 Plaintiff-Appellant applied for a full-time permanent secretarial position both at UNILEVER and through Mr. Robert M. Lewis (her former supervisor at S.O.N.J.) for a secretarial position without overtime, while she put her son in nursery school. As Mr. Lewis was able to find such a position for her at Esso Standard Eastern, Inc., an affiliate of S.O.N.J., in the same Group 10 she had held before, at a rather low salary which she assumed would be automatically revised with her first evaluation, she accepted the ESSO EASTERN job in May 1963.

The Group 10 job at Esso Eastern turned out to be quite different from her former SONJ position; she was a GROUP SECRETARY and worked for 3 middle managers and all their employees (more than 10 people) and was overloaded with work, mostly typing and shorthand. While she had regained her seniority and pension rights (meaning 3 weeks vacation after 1 year, and Thrift Fund bonus) she was given an AVERAGE rating at her first evaluation end 1963 and received no raise; she then tried to obtain a transfer through her former SONJ

department but was advised by them that a reorganization of her Esso Eastern department would make her eligible for a better job.

NOTE: The rules & guidelines in regard to maternity leave, rehiring of veterans and former employees with vested rights, for Standard Oil Company N.J. and affiliates were not introduced at the trial.

In April 1964, her Esso Eastern department manager, Mr. R.A. Marriner, wished to see her and inquired whether she still insisted on a job without overtime, Plaintiff-Appellant then informed him that she could not obtain good and/or inexpensive child care for her 4-year old son after daytime hours where she lived, but that in the near future she would move to a suburb and might then be able to do some but not regular overtime, in emergencies. Mr. Marriner, who did not make her any offer, then said he had another girl in mind; the promotion then went to a young secretary from the insurance division of the Esso Eastern Employee Relations Department, a Miss Kathy Dow, her job was secretary to a new Assistant Manager, Mr. Jack Wexler. This Mr. Wexler was very offended that Plaintiff-Appellant had not accepted the position as his secretary; meanwhile she had written and spoken to Mr. Marriner to see whether she could not instead be given a raise in salary and/or transferred, preferably back to Standard Oil Company N.J. where she had held a higher rating. While Mr. Marriner said he would look into this, Plaintiff-Appellant was given a secret "punishment" which she did not discover until later; it is now denied and was removed from her records.

Plaintiff-Appellant received her first raise at the regularly scheduled 2-year interval evaluation (from her last evaluation at Standard Oil Company, New Jersey); this was a small raise and by that time her salary was at least \$100 per month less than that of other secretaries with equal seniority at S.O.N.J. and Esso Eastern, also much lower than equally experienced secretaries hired from outside Esso E.

Plaintiff-Appellant did receive the general cost-of-living increases. Attempts by Plaintiff-Appellant to get transferred back to Standard Oil Company N.J. (3 times through Mrs. Lucy Starkey from Employee Relations Esso Eastern, also through Mr. Robert M. Lewis and Mr. James B. Meredith of her former department at Standard Oil Company N.J.) did not lead to job interviews; her requests were ignored or simply forgotten.

In 1965 Esso Standard Eastern had problems with the parent company (Standard Oil Co. N.J.) regarding its performance and there were rumors about the Esso Eastern company moving to California (this later became Houston); there were to be cutbacks in personnel. Miss Kathy Dow never had much work to do for Mr. Wexler and did not often wish to help others in the department; when the new department manager (Mr. Marriner had transferred to S.O.N.J. and was in Holland), Mr. J.A. Shivers, caught Miss Dow reading pocket books she was told she might be the one to leave (beginning 1966).

Miss Dow told others, particularly other Irish and Roman Catholic members of the department, who then all together protested and suggested Plaintiff-Appellant should leave instead as she was foreign-born, had a bad accent, etcetera, this upset her greatly. As Management feared the Irish group might get very difficult, Kathy Dow could stay -- she became pregnant and had to leave anyway -- even though Mr. Wexler was transferred to Japan and members of his group transferred or resigned. During February/March 1966 there was an intercompany meeting during which upgrading of minority people was apparently discussed; as it was known that Plaintiff-Appellant had been held back, she was named for some managerial training course but was considered "too white", also gossip about her was spread at this meeting and then spread throughout Esso Eastern. WHILE PLAINTIFF

APPELLANT ONLY KNOWS THIS FROM HEARSAY, THE RESULTING GOSSIP AND HOSTILITY WERE REAL AND CONTINUING.

Meanwhile, the GOOD rating which had been proposed for "both Kathy and you" according to one middle manager, Mr. L. F. DeLong, was only approved for Kathy Dow who subsequently retired because of her pregnancy, at a higher group level and more pay than Plaintiff-Appellant, June 1966.

As Plaintiff-Appellant did not believe she would again qualify for the better secretarial positions, she applied for permission to take computer programming courses (in her own time, in the evening and on Saturdays) which would be partly paid for by Esso Eastern; Mrs. Starkey was actually in charge of this program.

The department had again a new manager, Mr. R. H. Maximoff; after completing the first part of her computer course and since it was near the time of her next 2-year evaluation, Plaintiff-Appellant received a good raise, however, she had to borrow \$1000.00 for child-care, taxi fares etc. to finish the computer courses and certainly no other secretary first had to complete a course to qualify for a higher raise. Plaintiff-Appellant was then allowed to take a test at the S.O.N.J. Computer Center, this was arranged by Mrs. Starkey at the request of an assistant manager; she received a B grade which was considered too low to be accepted -- yet Plaintiff-Appellant heard men were being accepted with lower grades; also some men were accepted without testing. THIS WAS NOT INVESTIGATED.

Plaintiff-Appellant was then finally allowed (end 1966 or beginning 1967) to go on an interview with SONJ Payroll; already at the start of the interview she was informed that this Payroll Department had overtime "until ten o'clock every night" and was advised to continue her computer programming studies. Plaintiff-Appellant believes there was adverse information in her personal reference folder.

In April 1967 she completed the second part of her computer-programming course but Mrs. Starkey did not arrange a second test for her; her department had meanwhile become much smaller and in the summer of 1967 was merged with Esso Eastern's Treasurers Department; as Plaintiff-Appellant would again have a low-prestige secretary-stenographer's job with the most work and it was confirmed by Mr. Maximoff's secretary, Miss Irene O'Leary, that her rating was still AVERAGE, she wrote a confidential memorandum to her former supervisors at SONJ, also to the manager of Esso Eastern's Treasurers Department and the Personnel Department, asking to have her re-evaluated and her rating corrected in order to obtain a transfer to a more suitable job; she also requested another chance for the computer programming department. She also explained in this letter that Irish and Italian girls were favored by the Personnel Department, also that there had been difficulties in the Department; she was not offensive in these writings but they were made public and caused a commotion. Several meetings were held with officials from S.O.N.J. and it was rumored that she would have to leave, on the other hand that she should receive insurance money since the Irish group had wished to remove her, and after her meeting with Mr. C.R.Sitter (manager of her new department, ESE Treasurers) it was rumored that she would receive a kickback from the Roman Catholic group, a scholarship. Plaintiff-Appellant discussed the tense situation with some people from S.O.N.J., particularly with Mr. Robert M. Lewis and informed him she could never accept a bribe but wished to have her rating corrected and more chances to obtain better secretarial jobs. She then asked for an (educational) leave of absence also to better qualify for a computer programming job and to escape possible hostilities at Esso Eastern, this was refused at the last moment but she was

given permission to remain home for a month as she was too agitated and the office was divided in hostile camps.

During her last week at the office (end September 1967) Mrs. Starkey finally suggested she could go on an interview for a good secretarial position with the Manufacturing department manager at Esso Eastern, however, she could not guarantee Plaintiff-Appellant would actually be selected for the job if her rating was left uncorrected and Plaintiff-Appellant then told her it did not seem worthwhile as she had also applied for a leave of absence. Mrs. Starkey did not insist and indeed forgot all about it; AT NO TIME WAS THIS BROUGHT UP IN LATER YEARS EXCEPT BY PLAINTIFF APPELLANT in her report (1968/69) to the N.Y. Commission for Human Rights and later in her ANSWERS TO INTERROGATORIES, January 1974.

During October 1967 Plaintiff-Appellant was advised she had to return to her job or would be taken off the payroll; she inquired about other openings but was told by Mr. Weidenbacker (Employee Relations Manager at Esso Eastern) that none were available at Esso Eastern or Standard Oil Company N.J. She finally "signed out" under protest from her Pension & Thrift Fund in February 1968 to at least obtain funds to live and for attending one semester at Columbia University (they were her own contributions to the Pension Fund which she would rather have left in the Fund to preserve her pension rights). She had been officially terminated from Esso Eastern on November 1, 1967, receiving 11 weeks severance pay, her only income until she took out her pension monies; NO REFUND OF THE WITHHELD CORRECTED RATING WAS EVER MADE. Plaintiff-Appellant was too emotionally upset to go out on job interviews or work until the summer of 1968 after she had attended one semester at Columbia University and done reasonably well.

When Plaintiff-Appellant was informed there were again no openings for her at Esso Eastern or the Standard Oil Company (N.J.), she tried to bring suit through the Legal Aid Society, White Plains, she was referred to the N.Y. Labor Department who again referred her to the New York State Commission for Human Rights, White Plains; a hearing was held at their New York agency in April 1970 - PLAINTIFF APPELLANT DID NOT HAVE BENEFIT OF COUNSEL; there was no search of Esso Eastern records. A review or new hearing was denied to her.

When she applied to the Equal Employment Opportunity Commission, this agency decided not to investigate her case as it was brought past the 210 days' limit, she instead received the Right-to-Sue. She was however not given a choice from a panel of E.E.O.C. lawyers but a Roman Catholic lawyer was appointed.

The purpose of the suit is to have Plaintiff-Appellant's rating upgraded, reinstatement with backpay, early retirement; damages for slander and adverse information given out; payment of her attorney's costs and court costs.

POINT I.

The Appeals Court is not Compelled to Recognize the finality of the two decisions in this case where the presiding Judge ordered the trial to proceed without permitting Plaintiff-Appellant to replace her appointed attorney and not allowing her co-counsel status or to testify in her own behalf

Constitutional Rights

STATUTES/CASES CITED

Lack of Due Process

STATUTES/CASES CITED

POINT II

The Appeals Court is not compelled to agree that her appointed attorney should not have resigned prior to the trial date while requesting another E.E.O.C. attorney to conduct the case for Plaintiff-Appellant as there was a possible conflict-of-interest

Where Plaintiff-Appellant assumes that appointed attorney -- as well as previously the Commission for Human Rights -- was persuaded to disbelieve her because of slanted salary-comparison, failure to admit wrongdoing on the part of Irish employees and the threat (perhaps now actuality) of a COUNTERSUIT by the Roman Catholic employees even though Plaintiff-Appellant's charges concerned mistreatment suffered through the management of Esso Eastern, and appointed attorney perhaps lacked time and funds and was not authorized to extensively investigate her charges or order complete record disclosure, she feels there was an actual conflict of interest and the appointed attorney and his assistant were all too ready to believe evidence against her/^{rather} than attempt to gather evidence supporting her charges.

Where there was serious disagreement as to required documents and witnesses to be interviewed for the trial, appointed attorney should have requested another E.E.O.C. lawyer to take her case; appointed attorney should have resigned prior to the trial.

PRECEDENT/CASES CITED

POINT III

The Appeals Court is not compelled to agree with Judge Metzner's decision that this case merited no JURY TRIAL and in view of certain statements made during the trial, the presiding Judge could not be considered impartial.

Lack of Due Process

Documents supporting the Hon. Judge Metzner's decision so far did not reach Plaintiff-Appellant; however, it is most unusual to grant the wish of defendants for a non-jury trial. The suspicion would arise that the trial should be as non-public as possible.

STATUTES/CASES CITED

Also, there were to be only Defense witnesses, another circumstance making the presence of an impartial jury essential.

Judge as Jury: Challenge for Cause

According to Plaintiff-Appellant's appointed attorney, Hon. Judge Metzner had refrained from reading various documents -- including Plaintiff-Appellant's Answers to Interrogatories submitted at the pre-trial hearing -- yet he was aware of the fact that in addition to the charges of discrimination, Plaintiff-Appellant had claimed there were hostilities and the possibility of violence forcing her to leave. The Judge must also have been aware of the fact that witnesses for the Defendant-Appellee would tend to protect both the company's and their own job interests, certainly at the present state of the economy. The Judge must also have become aware of the fact -- during the trial -- that proving a rating system existed at the Esso Standard Eastern, Inc. establishment in New York at least from 1963 onwards, might have caused other aggrieved claimants to come forward if a favorable judgment was rendered.

Certain statements made by the Judge are not in the trial transcript, i.e. on page 172, the statement the Judge made, also

Attorney Burrell, both rudely calling out to Plaintiff-Appellant, "Oh, you really got enough with the Thrift Fund and Pension Fund money" which so upset Plaintiff-Appellant that she could only reply that "It was so little" not even being able to point out that the pension fund monies were her own contributions which she did get back (but would have preferred to leave them in the fund to accumulate towards a tiny pension later); she was also unable to tell the Attorney Burrell that she had borrowed most of her Thrift Fund monies prior to her resignation date, being unable to make ends meet on the low salary she had had during her work period with Defendant-Appellee.

NOTE: The trial transcript renders most of Plaintiff-Appellant's speech very ungrammatical indeed and would give the impression that her knowledge of the English language is poor indeed -- expressions appear in the transcript which Plaintiff-Appellant never uses, i.e. p.182 line 22 - "Some relatives chipped in for a while" this should have been "Some relatives, my sister, helped for a while".

The part in the testimony where the Hon. Judge Metzner remarked "she did not have to take that job" in the trial transcript is taken out of context and put under Mr. Weidenbacker's testimony (pages 258, 259), also his remark that no reference should be made to the parent company -- in any case as on page 156 Plaintiff-Appellant was not allowed to say anything or tell the Court that she would indeed have applied somewhere else (UNILEVER) but was persuaded to accept the job since it would be her former Group 10 and she believed she would be evaluated (fairly) soon; Plaintiff-Appellant indeed during the summer of 1964 when Miss Dow had received the promotion and she was left with an AVERAGE rating, in her private discussion with Mr. James B. Meredith of Standard Oil Company (not permitted to mention during trial) she said she wished

to leave Esso Standard Eastern, Inc. and if no transfer to Standard Oil Company N.J. were possible, if Mr. Meredith could assist in seeing that she received her former rating back so her references would be in order. Mr. Meredith however advised she should wait; when later in 1964 Plaintiff-Appellant found out she was under a secret punishment she was afraid to leave as this would be told to other companies. HON. JUDGE METZNER SHOULD HAVE KNOWN THAT APPOINTED ATTORNEY WAS INSUFFICIENTLY AWARE OF THE DETAILS OF THE CASE.

* 2 The rude challenge of the Hon. Judge Metzner towards the end of her testimony (and reported by Plaintiff-Appellant in her letter to E.E.O.C. New York - copy attached) namely "You did not really get a good rating with the company" which completely confused and upset Plaintiff-Appellant since as a matter of fact she did receive GOOD and even EXCELLENT ratings from individual members of the department but IT WAS NOT APPROVED BY THE MANAGER; she therefore answered "That's right; they never gave it to me" apparently showing such distress that the Hon. Judge Metzner suddenly relented and stopped the cross-examination of in fact both Defendant-Appellee's Attorney Burrell and the Judge, but she was ^{not} allowed to return to her seat. THIS IS NOT SHOWN IN THE TRANSCRIPT, a different version on p.139.

Also, while Hon. Judge Metzner would not allow Plaintiff-Appellant to use phrases as "I believe that" and "Apparently" - p.113, p.114 he did not object to Defense witnesses using such phrases quite frequently and did not show any annoyance at MRS. LUCY STARKEY's totally garbled and untrue version of the details of the promotion to Mr. Wexler's secretary transcript pages 198-199 DURING WHICH SHE BROKE DOWN COMPLETELY AND COULD NOT CONTINUE THE TESTIMONY -- the Hon. Judge gently allowed her to step down.

POINT IV.

The Appeals Court is not compelled to agree with the presiding Judge's opinion that no references to the parent company of Defendant-Appellee (then Standard Oil Company, New Jersey, now EXXON CORPORATION) should be made while the testimony of the first witness, an employee of the parent company and not involved in the Esso Eastern action was allowed to stand. _____

While Plaintiff-Appellant had submitted a different version of the Complaint, naming Defendant-Appellee as an affiliate of Standard Oil Company New Jersey now EXXON CORPORATION, and relating how she had been employed with the latter, with her PLAINTIFF'S FIRST PRO SE PETITION dated July 26th, 1974, the Judge had not allowed this changed version yet allowed the witness THERESA DIOGUARDI, solely involved in Plaintiff-Appellant's employment with the parent company, to appear and testify; this seems a CONTRADICTION.

Where in fact both Plaintiff-Appellant's salary, group, seniority and pension rights (vested rights) were based on her former employment with the parent company, discussion of the parent company's policies, also former SONJ supervisors she worked for, becomes both relevant and necessary.

From Mrs. Dioguardi's testimony and the salary printout it would appear also the parent company DOWNGRADED Plaintiff-Appellant
NOTE
and discriminated against her - see statement in this brief under Statement of Facts, page 9.

POINT V.

The Appeals Court is not compelled to agree with the finding that no particular disturbances took place where Defendant-Appellee admitted not investigating this matter, neither were any investigations conducted by agencies as the N.Y. Commission for Human Rights and the Equal Employment Opportunity Commission.

While Plaintiff-Appellant did not "name names" during her employment with Defendant-Appellee, both not to cause needless hardship or firings to other employees and for fear of possible reprisal, she did name persons to her appointed attorney and asked to have these persons interrogated; no depositions were taken nor were other witnesses, particularly managerial personnel, allowed to appear.

* 3 Plaintiff-Appellant hereby makes special reference to Mr. C.R. Sitter's memorandum to Mr. C.J. Weidenbacker, dated August 11, 1967, as being a nearly complete fabrication; the statement "She admitted that this is the case today although she seemed to feel that it had not always been so" being especially fantastic where Plaintiff-Appellant only stated that she would be willing to continue her work in his department in the designated spot if at least her rating and the subsequent increase in salary were attended to since then she could qualify for better secretarial jobs and also, if another test could be arranged at the Computer Center.

POINT VI.

The Appeals Court is not compelled to agree with Defendant-Appellee's statement that no rating system existed where no official records search was ordered by the two agencies.

While Defendant-Appellee finally admitted at the trial (Mr. Weidenbacher's testimony) that some form of rating system existed whereby someone rated GOOD or EXCELLENT automatically qualified for a higher Group; Plaintiff-Appellant is of the opinion that a regular rating-system existed and was subsequently destroyed. Other executive employees of Esso Standard Eastern, Inc. should have been questioned regarding this matter and a records search ordered.

POINT VII

The Appeals Court is not compelled to disagree with Plaintiff-Appellant's opinion that if no such rating system existed, Defendant-Appellee (i.e. Mrs. Starkey) committed fraud against her by not advising her during the first interview in 1963 that there was no 10d (good) rating position but that this was automatically a higher (8) group job.

As stated in this Brief on pages 10 and last paragraph page 19, Plaintiff-Appellant is of the opinion that the job was misrepresented to her while her subsequent attempts to obtain transfers were futile.

POINT VIII

* The Appeals Court is not compelled to disagree with Plaintiff-Appellant's opinion that where several papers -- attached hereto -- which were presented either at the pre-trial conference or entered as Exhibits during the trial and which were not seen by her until after the trial, contain errors, additional evidence is needed to give a proper judgment.

- * 4 1. Salary printout Ella I. Meijer - wrong data regarding past employment, as marked in red on sheet.
- * 5 2. Salary printout Miss Kathleen C. Dow - according to Miss Dow's own information to Plaintiff-Appellant, she received her first evaluation and raise after 6 months (or less) employment with Esso Standard Eastern, Inc., before and 1962; such a raise is not shown, a subsequent cost of living increase is shown.
THIS PRINTOUT SHOULD BE RECHECKED; income tax statements submitted.
- * 6 3. Letter from Mr. C. R. Sitter to Mr. Weidenbacker (memo), att. Mrs. Starkey, signed by A. W. Schwartz - dated September 27, 1967
The date of the original memo and the original memo should be carefully checked; this job suggestion by Mrs. Starkey to Mrs. Meijer was brought up first by PLAINTIFF-APPELLANT - in her report to the Commission for Human Rights; in her ANSWERS TO INTERROGATORIES submitted January 1974 - Mr. C. R. Sitter was away at school and Mrs. Schwartz was still on vacation? In any case, Mrs. Starkey could easily have reassured Plaintiff-Appellant that she made a good chance (even if not true) and have set up the interview. The statements of Mrs. Starkey at the trial that "they specifically asked for Mr. Oosterink, but she refused to go on the interview." are false; attorney Gregory should have objected and indicated that Plaintiff-Appellant had first mentioned this incident in her ANSWERS TO INTERROGATORIES.
- p. 56
transcr

POINT IX

The Appeals Court is not compelled to disagree with Plaintiff-Appellant's opinion that salary-comparison should have been with other secretarial employees from her former department at Standard Oil Company, New Jersey (now EXXON CORPORATION) and from ESSO STANDARD EASTERN, INC. with equal total secretarial experience and equal total company seniority.

*7 The attached salary comparison sheet would compare Plaintiff-Appellant to respectively: Miss Bratland, a file-clerk who became a beginning secretary around 1963; Miss Kathy Dow, a beginning secretary in 1962; a Miss Lee, unknown, apparently a very young beginning secretary. Incidentally, Miss Bratland was also complaining during 1966/67 that her salary was held unnecessarily low.

Plaintiff-Appellant feels she should have been compared with other secretaries from Standard Oil Company (New Jersey) and Esso Standard Eastern, Inc. starting around the same time she did (1954) as during the years 1960-1963 the company (EXXON) could (and would have been required to had she been able to request pregnancy leave) have rehired her but she instead had to work elsewhere. Plaintiff-Appellant had requested her appointed attorney to obtain comparisons with Mrs. Lillian Anderson from EXXON, also Miss Pat Keller from Esso Standard Eastern, even with the experienced typist Miss Tessie Unger(?) who worked for Mr. R.A. Lovell and was hired from outside the company.

POINT X

The Appeals Court is not compelled to recognize the finality of the two decisions in this case where there are many factual errors in the two decisions and misstatements were made during the trial which were not corrected.

1st Decision, dated November 8, 1974

- 1st para., 1st page

Non-jury trial - Plaintiff-Appellant had requested a jury trial.

- 3rd para., 1st page - Plaintiff was born in the Netherlands

This should be: Plaintiff was born and raised in the colonial Netherlands East Indies.

As stated in Plaintiff-Appellant's Answers to Interrogatories pages 2 and 3, management's attitude towards her was different for reasons of that particular origin.

- 2nd page, 1st para. She voluntarily left her employment because of pregnancy. Whether resigning or temporarily leaving because of pregnancy is voluntary is still being decided in cases before the Supreme Court. Plaintiff-Appellant in any case was induced to resign instead of applying for maternity leave.

She reapplied for a position with the company in 1963 - Plaintiff-Appellant had actually applied twice before (during 1960 and some time during 1961, 1962) and was told there were no jobs without overtime which was untrue.

- 3rd para., page 2 - the rating did not flow from any discrimination practised by the defendant because of plaintiff's national origin.

Plaintiff-Appellant disagrees; there was a definite tendency to grade and pay foreigners at a lower scale since "they never had it so good."

- 3rd page, 1st para. Plaintiff refused the offer.

NO OFFER was made to Plaintiff-Appellant; rather, she was first questioned about her attitude towards possible overtime and was then informed that another girl was considered for a secretarial opening.

3rd page, 2nd para. The salary printout of Miss Kathy Dow should be rechecked.

"There is absolutely no basis for a charge of discrimination based on national origin in this incident." The Judge seems to be referring to the squabble with the Irish group when Miss Kathy Dow might have to leave early in 1966; it became very clear during that incident that many in the department thought the foreign-born should be eliminated first, also while Miss Dow's job had ceased to exist the GOOD rating and therefore promotion to Group 8 was given to her and not to Plaintiff-Appellant, which could certainly be considered discriminatory.

- 3rd page, 3rd para. The defendant provided two-thirds of the cost of taking such course and permitted time off to attend school without loss of pay. Plaintiff-Appellant had to borrow \$1000.00 for the remainder of the tuition, books, extra child care, taxicab fares from White Plains. NO TIME OFF WAS GIVEN -- this course (1st part) was given in the evening in White Plains, New York; 2nd part on Saturdays in Empire State Building, New York City. Plaintiff refused to take a reexamination. On the contrary, Plaintiff-Appellant asked to take another test after she had completed the 2nd part of her computer course; Mrs. Starkey did not contact her and during the meeting with Mrs. Starkey in August 1967, Plaintiff-Appellant was in fact discouraged from retaking the test since what was actually required for computer-programming at SONJ (according to Mrs. Starkey) was a college degree. Apparently the Judge chose to believe Mrs. Starkey's statement at the trial that Plaintiff-Appellant refused to take another test. NO ARRANGEMENTS WERE MADE SO PLAINTIFF-APPELLANT COULD TAKE ANOTHER TEST.

"a B appeared to be too low for consideration" Plaintiff-Appellant claims men were admitted with lower grades or no tests; this was not investigated.

- 4th page, 1st para. "there was a charge of discrimination"

Plaintiff-Appellant certainly felt it was discriminatory when after the merger with another department (Treasurer's) summer 1967 she was again put in one of the lower, secretary/stenographer positions with the most work, and nothing was yet done about her rating.

"a conversation with plaintiff in this regard" Plaintiff-Appellant had a conversation with Mr. C. R. Sitter (reported by the latter in a very incorrect manner to Mr. Weidenbacker); she indeed did not give names of employees who had been unpleasant to her during the squabble with the Irish, she did not wish to get others in trouble and did not wish reprisal; also she had suffered more through her downgrading and low-rating, also nasty gossip on the part of managerial employees.

- 4th page, 2nd para. Plaintiff refused to come to work starting October 1 - Plaintiff-Appellant had been told by Mrs. Starkey in the presence of Mr. Maximoff that she should stay home at least a month as she was too upset.

defendant offered her an interview for another position
without the requirement of overtime work -- as reported first in PLAINTIFF-APPELLANT's Answers to Interrogatories, during the last week at the office (end September 1967) there was a suggestion by Mrs. Starkey that she could interview for a manager's secretary job (no mention was made of it being without overtime or anything else) Mrs. Starkey could not guarantee Mrs. Meijer would receive this job while her rating was not corrected so Plaintiff-Appellant did not think it worthwhile, she was very agitated and had already applied for a leave of absence. Mrs. Starkey did not insist and no interview was scheduled; THE OFFER WAS NOT REPEATED, on the contrary in October Mr. Weidenbacker let her know there were no other openings.

(4th page, 2nd para.cont.) Plaintiff again refers to her charge THAT SHE WAS NOT PROPERLY RATED FOR HER WORK PERFORMANCE in 1964. The importance of this escapes the Court

The ratings were becoming very important indeed since Esso Eastern had announced end 1965 they might move to another state (California was then considered, this became Texas) and would have to economize and let some people go ("deadwood" first), older and less efficient employees would then be terminated or early retired. Plaintiff-Appellant's undeserved AVERAGE rating meant she would have been phased out eventually.

- Page 5, 1st para. The request for leave of absence was refused because it was contrary to company policy. Incorrect; as confirmed by Mr. Weidenbacker at the trial, an educational leave of absence could have been granted if the proper form had been submitted -- PLAINTIFF-APPELLANT WAS NOT ADVISED SHE HAD TO USE A PARTICULAR FORM.
- Page 5, 3rd para. Plaintiff-Appellant has listed in her Answers to Interrogatories page 3 several ways in which she was discriminated against because of FOREIGN ORIGIN, to this should be added discrimination because of SEX in not granting her educational leave of absence (given to men) and not admitting her to the Computer Dept. with a B-grade, where men could be admitted with lower marks.
- Page 5, 2nd para. "gave plaintiff \$1,500 severance pay" -- this was less taxes about \$1200 while Plaintiff-Appellant had no other income until the summer of 1968 when she started working as a temporary secretary.

2nd Decision, dated December 27, 1974

1st page, 1st para. As stated by Hon. Judge Metzner at the start of the trial (Pgge 17 of transcript) lines 16,17, the case had been set to last two days. The first day, the trial was held up by about one hour by the altercation between Judge, appointed Attorney and Plaintiff-Appellant. The actual proceedings started around 11 o'clock and ended around 4 o'clock, minus lunch recess; second day proceedings started earlier, hearing of witnesses finished about 1 o'clock, some deliberations between attorneys and judge in the afternoon.

Therefore, a total of 5 (all Defense, all Roman Catholic??) witnesses plus Plaintiff-Appellant were heard and re-examined in the space of about 6 hours over two days, in a hasty, impatient manner.

1st page, 2nd para. While Judge granted no continuation because of the "age of the case" the same amount of time (3 Months) was taken to prepare a judgment filled with errors (see foregoing pages re 1st Decision). IT SHOULD HAVE BECOME CLEAR TO JUDGE THAT APPOINTED ATTORNEY HAD KEPT DELAYING THE TRIAL FOR THE STATED PURPOSE OF EXAMINING WITNESSES AND OBTAINING MORE DOCUMENTATION -- these were indeed requested by Plaintiff-Appellant but nothing was done in this regard which Plaintiff-Appellant did not discover until shortly before the trial when she requested another E.E.O.C. attorney.

-32-

1st page, 3rd para. "fully and capably tried by counsel" - Indeed, once "at bat" so to speak, Attorney Gregory who is a capable attorney did the best he could, surely realizing all the while how handicapped he was without proper documentation and Prosecution witnesses.

"all the letters written by plaintiff" -- the Judge does not specify which letters; surely, the Judge did not read Answers to Interrogatories and the report to the Commission for Human Rights.

2nd page, 1st para. THE IMPRESSION IS INDEED THAT HER CASE WAS SET FOR DISMISSAL FROM THE START -- where the Judge knew no monies would be furnished to the almost destitute Plaintiff-Appellant, his advice to counsel that if she failed to appear her case would be dismissed, indicated his intention. That Plaintiff-Appellant had given a SWORN DEPOSITION was apparently not mentioned by counsel.

Plaintiff-Appellant hereby states that her appearance visibly disturbed and angered the Judge and that the atmosphere in the Courtroom was one of quiet panic, especially the first day.

MISSTATEMENTS IN TRIAL PROCEEDINGS/TRANSCRIPT

Under preparation -- to be discussed with attorney.

-33-

POINT XI

The Appeals Court is not compelled to disagree with Plaintiff-Appellant's opinion that while her charges are JOB DISCRIMINATION BECAUSE OF HER FOREIGN ORIGIN AND SEX and this is an E.E.O.C. case, she also feels her advancing AGE made Defendant-Appellee decide not to rehire her later?

Where Defendant-Appellee planned to move to Houston, Texas as early as 1967/68, at which time they might have to find a place for several employees (with other affiliates or the parent EXXON company) and early-retire other employees, it is felt that Plaintiff-Appellant's advancing AGE (now 51) was important in their decision not to reinstate her; the fact of her AGE had also been mentioned at the time (1966) minority employees were considered for a management course.

- 21 -

CONCLUSION

Plaintiff-Appellant considers the two decisions appealed from to be based on insufficient and faulty evidence; she considers her case compromised by her appointed attorney who as a volunteer had too little time and funds to conduct an extensive investigation, interrogate witnesses and obtain required documentation; she considers that where this is also a damage/personal injury suit her wishes for a jury trial should have been granted, particularly where the presiding Judge did not seem impartial. Therefore, the decisions and order of the District Court should be reversed and a new trial granted.

Respectfully submitted,

Ella I. Meijer - Costerink

ELLA I. MEIJER-COSTERINK
Plaintiff-Appellant PRO SE
1500 Strawberry, Apt. 144
PASADENA, Texas 77502
Tel. (713) 472-7979

DATED: 6/13/75

ATTACHMENTS 7

INDEX : to follow

Filed: 5/17/71 by Plaintiff. C.M. Metzner

JUDGEWARD

A. I. MEYER - COUNTERCLAIM

ASSETS:
5-17-71
230 JACOBI STREET, INC.

Raymond F. Gregory
230 Park Avenue,
N.Y.C. N.Y. 10017
of counsel.

(William T. Meyer-Corcoran's pro-
prio place apartment
400 West 11th St.
New York, N.Y.

GEORGE A. MURRELL
220 5th Ave.
New York N.Y. 10001

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	DEB	CRED
mailed X	Clerk	5/17/71	George A. Murrell	15	
mailed ✓	Marshal	3/1/71	George A. Murrell	15	
of Action:	Docket fee				
FOR PRINTS	Witness fees				
FOR DEPOSITS	Depositions				

A

PROCEEDINGS

Date Order
Judgment No.

- 71 Filed Complaint. Issued summons.
- 25-71 Filed summons with Marshall's ret. Served on Standard Eastern Inc. by A. O'Keefe on 3-17-71.
- 2-71 Filed ANSWER of debt to the complaint. GAB
- 6-71 Filed Jury Demand by Plaintiff.
- 21-71 Filed motion and order that plaintiff shall serve upon counsel for the debt and file with it court an amended Complaint in the form attached. McChey J.
- 6-72 Filed stipulation adjourning plaintiff's motion re: change of venue, etc. to 10/27/72.
- 6-72 Filed Notice of Motion re: Change of Venue. 10/27/72 at 2 P.M. in ROOM 2304 before McLean. (by pltf.)
- 6-72 Filed Pltff's memorandum of law in support of her motion to transfer.
- 6-72 Filed Notice of Cross-Motion re: Summary Judgment. 10/27/72 in Room 2304 at 2 P.M. before McLean, J. (by pltf.)
- 6-72 Filed Cross motion for summary judgment. 10/27/72 at 2 P.M. before McLean, J. in ROOM 2304 (by defendant).
- 6-73 Filed debt's memorandum on its cross motion for summary judgment.
- 6-73 Filed debt's memorandum in opposition to plaintiff's motion for a change of venue.
- 6-73 Filed Supplemental Affirmation in opposition to motion for change of venue. (received at CIVIL 1176 1/12/73).
- 9-73 Filed stipulation and order affirming plaintiff's motion for change of venue now ret. 10/27/72 to 11/7/73. So ordered. McLean, J. (read at Civil Pocket 1/19/73).
- 19-73 Filed MEMO ENDORSED on motion transferring the action to Son. Dist. of Texas; Motion Denied. So Ordered. WARD, J. (n/n)
- 7-73 Filed Memo. End. on motion dated 5/4/73. Motion denied in accordance with memorandum decision filed herewith. Ward J.
- 4-73 Filed Memorandum Decision. Accordingly, debt's cross motion for summary judgment is denied. Ward J. (M/N)
- 12-73 Filed Dft. Motion for Protective Order FRCP R. 26 (c) ret. 7/24/73.
- ~~6-73 Filed Dft. Motion for Protective Order FRCP R. 26 (c) ret. 7/24/73.~~ (erratum)
- 7-73 Filed plaintiff's notice to produce documents
- 3-73 Filed Affidavit by Edward L. Peck in opposition motion, by dft.
- 3-73 Filed plaintiff's memorandum of law in opposition to dft's motion for protective order.
- 4-73 Filed Reply Affirmation by George A. Burrell to the affidavit in opposition by plaintiff.
- 7-73 Filed Memo. End. on motion paper dated 7/12/73. Motion for protective Order denied. Etc. Plaintiff's application for costs & disbursements, including atty's fees is denied. Ward J.
- 6-73 Filed debt's interroggs.
- 12-73 Filed Stip & Order that the time for plaintiff to answer to debt's. interroggs. is extended to 12/20/73. Ward J.
- 6-73 Filed Stip & Order that the time for plaintiff to answer to debt's. interroggs is extended to 1/10/74. Ward J.
- 7-74 Filed Plaintiff's Answer to Interroggs.
- 7-74 Filed Plaintiff's Proposed Pre Trial Order. (Delete Standard from Delta. Para.) Ward J.
- 7-74 Filed notice of reassignment to 11/27/74.
- 7-74 Filed Debt's Memorandum in support of motion to strike Jury demand. n/n
- 7-74 Filed Debt's Notice of Motion, returnable 7/25/74 at 9:30 for order striking Jury demand.

B

PROCEEDINGS

DATE

Jul-22-74 Filed memo endorsed on def't's motion to strike jury demand: This motion is granted. So ordered - Metzner, J. m/n
 Aug-6-74 Filed plaintiff's first pro-se petition
 Aug-13-74 NON-JURY TRIAL ACTION before Metzner, J.
 Aug-14-74 Trial continued and concluded - Decision reserved. - Metzner, J.
 Oct-3-74 Filed ORDER # 41412.... For reasons indicated, Judgment shall be entered for defendant dismissing the complaint after trial. So ordered. - Metzner, J. m/n
 Nov-12-74 Filed JUDGMENT AND ORDER that the defendant Esso Standard Eastern Inc., have judgment against the plaintiff Ella I. Meier-Oosterink dismissing the complaint. -- Clerk.
 Nov-20-74 Filed plaintiff's pro-se motion for a new trial and change of venue - (on submission)
 Nov-21-74 Filed affdvt. and notice of motion by Attorney for pltf. to be relieved as counsel for plaintiff - rec. 11-27-74
 Dec-4-74 Filed def't's affirmation of George Burrell.
 Dec-6-74 Filed plaintiff's pro-se supplemental memorandum of law in support of her pro-se motion for new trial and change of venue and in reply to defendant's affirmation.
 Dec-23-74 Filed memo endorsed on motion to be relieved as counsel: Motion denied. So ordered. -- Metzner, J. m/n
 Dec-27-74 Filed ORDER #41411... for reasons stated herein, plaintiff's motion for a new trial is denied. So ordered - Metzner, J. m/n
 Jan-17-75 Filed pltf's affdvt. and notice of motion for an order granting pltf. have the trial taken again. rec. 1-22-75
 Jan-17-75 Filed Pltfs. notice of appeal to U.S. Court of Appeals for the Second Circuit from the final judgment entered after trial on November 12, 1974 and the decision and order of Hon. Charles M. Metzner filed Dec 27, 1974. Copy mailed to Geo. A. Burrell
 Jan-24-75 Filed memo endorsed on pltf's motion filed 1-17-75: This motion is granted. So ordered - Metzner, J. m/n
 Feb-11-75 Filed order that stenographic transcript of action be prepared at the expense of the U.S. -- Metzner, J. (to S.D.Ct. Reporters.

A

ELLA
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
ELLA I. MEIJER-OOSTERINK, :
 :
Plaintiff, :
 :
-against- : 71 Civ. 1176
 :
ESSO STANDARD EASTERN, INC., :
 :
Defendant. :
----- x

METZNER, D. J.:

In this non-jury trial, plaintiff seeks reinstatement as an employee of defendant and back pay on her claim that she was discriminated against because of national origin in violation of the provisions of Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000(e) et seq.).

Judge Ward disposed of some preliminary motions for dismissal by defendant, and while those contentions are again raised on this trial, the court has followed his rulings in the case.

Plaintiff was born in the Netherlands, but came to this country in 1954 and became a citizen in 1960. She speaks English with a Dutch accent, but her spoken words are readily and easily understandable.

She worked originally for defendant's parent company from 1954 until 1959 when she voluntarily left her employment because of her pregnancy. She reapplied for a position with the company in 1963 specifying that she would not work overtime because of her child.

A position was offered her with the defendant which did not entail overtime. During the course of her employment which commenced on May 14, 1963 and was terminated on October 31, 1967, plaintiff held the position of group secretary in the Economics Coordination Department/Finance and Planning Department. Whatever skills plaintiff possessed aside from typing and taking dictation were not required for the position she accepted.

In 1964 she claims that she complained that her work was rated "satisfactory" when it should have been rated "good." I find that, assuming such ratings were made and salary scales adjusted accordingly, the rating did not flow from any discrimination practised by the defendant because of plaintiff's national origin.

During the four years that plaintiff was employed by defendant, she received two general increases and two merit increases.

340

In 1964 plaintiff needed more money for personal living expenses and sought a promotion. She was offered an advancement, but it would have entailed overtime work. Most positions in the department entailed overtime during certain portions of the year. Plaintiff refused the offer because her child's needs prevented her from working overtime.

It appears that a Miss Dow, who was a co-worker with plaintiff, was advanced in title in 1966 from group secretary to a senior secretary. Interestingly enough, both women were earning \$459 a month in 1965, but after Dow's advancement, her salary only went to \$480 a month, while plaintiff earned \$517 a month. There is absolutely no basis for a charge of discrimination based on national origin in this incident.

During that same year, plaintiff desired to take a course in computers for the purpose of enhancing her earning ability. The defendant provided two-thirds of the cost of taking such course and permitted time off to attend school without loss of pay. Plaintiff received a B in the examination which appeared to be too low for consideration in the programing unit of defendant. Plaintiff refused to take a reexamination.

We come now to 1967. There is quite a bit of correspondence and testimony as to the events that took place during the summer and fall. Among the many complaints and requests made by plaintiff there was a charge of discrimination, but a conversation with plaintiff in this regard produced no more evidence than was adduced on the trial.

Plaintiff refused to come to work starting October 1, and defendant, in an effort to get her to return, offered her an interview for another position that would be considered an advancement without the requirement of overtime work. She refused to go for the interview. Plaintiff again refers to her charge that she was not properly rated for her work performance in 1964. The importance of this escapes the court since she received merit pay increases in 1965 and 1966.

On September 7, 1967 plaintiff requested a leave of absence for a year, starting October 1, with scholarship help from defendant to aid her in obtaining a college degree. She also wanted this time off because she had been "considerably agitated the last two years and I also have recurrent bursitis - another reason for

leaving the secretarial field in the near future."

The request for leave of absence was refused because it was contrary to company policy. It was pointed out to plaintiff that reimbursement for educational expense was made only for necessary time off to take courses related to job advancement in the company. Plaintiff had already taken advantage of this plan when she took the computer courses.

Plaintiff was adamant in wanting the leave of absence and refused to come to work starting October 1. Defendant continued to pay plaintiff her wages during that month. It terminated the employment at the end of the month and gave plaintiff \$1,500 severance pay covering an eleven-week period.

Despite repeated attempts to get plaintiff to testify as to specifics of her charges of discrimination, the record shows only vague surmises or some individual personal conflict with a co-worker which was eased when an apology was forthcoming. There is absolutely nothing in the record to sustain plaintiff's claim.

Judgment shall be entered for defendant dismissing the complaint after trial.

So ordered.

Dated: New York, N. Y.
November 8, 1974

Charles W. Fritzman
U. S. D. J.

note to Mr. Peck: Please read this and give to Att. Gregory;
you promised to call me re Judge's decision (off. 223-4276).

PERSONAL & CONFIDENTIAL

tel. 713 477-1383
1705 Jenkins Road, Apt. 285
PASADENA, Texas 77502

Mr. Ralph Munoz,
District Counsel
EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
90 Church Street, Room 1301
NEW YORK, N.Y. 10007

October 4, 1974

Re: Reid v. Standard Eastern, Inc.
Standard Eastern, Inc., 71 Civ.
1176; EEOC file #NY 0-042

Dear Mr. Munoz:

Further to my letter of August 25, attached is copy of a letter
by Attorney Gregory, dated September 23.

In the event one of your E.E.O.C. lawyers will handle the request
for a retrial, with change of venue to Houston, and/or an appeal,
following are more data pertaining to my case, in addition to the
comments in my letter to Attorney Gregory, also dated August 25,
which I attached to my letter to your office.

1. It was purposely not brought out at the trial that the
Esso Eastern salary groups were not equal to the groups at
Standard Oil (N.J.), now Exxon; for instance, an assistant
manager at SOJ was equal to a manager with Esso Eastern;
similarly, a group X secretary at SOJ was equal to a group 8
at Esso Eastern. Since I had been Mr. R.M. Lewis' secretary
at SOJ, who was the chief assistant manager in the General
Economics Department there, I might have been promoted to
a group 9 or 8 if I had stayed longer; I understand
Mrs. Lillie Anderson was also brought into a higher group
in that department (she started slightly later at SOJ than
I did; was promoted later to secretary with Mr. James Hanson,
one of the "lower" assistant managers) and thereafter became
a full executive secretary with SOJ Treasurers. It would
have been helpful if she had been called as a witness, just
to obtain these data; her salary while still with the General
Economics Department in 1963/64 could have been compared
better with what I received in my group secretarial job (a
Group 12 job with SOJ; 2 groups lower than I would have been
if I had not left due to marriage & pregnancy with Esso Eastern.
end Sept. '67
Therefore the only reasonable offer made to me by Mrs. Starkey/
(during my last week, with general tension mounting) was indeed
to go for an interview as secretary to the Marketing manager
which would have made me a group 2 secretary, similar to
Mrs. Wilma Lewis' position as secretary to Mr. Harriner.

I was not aware of the differences in the groups until at least
1965.

2. While I also read some law journals at the Houston Legal Foundation regarding pregnancy discrimination cases, I believe the enclosed pages from "Everything a Woman Needs to Know to get Paid What She's Worth" by Caroline Bird, give good information on the subject, also regarding harassment women suffered. Could research be done (for precedent) on cases where women were not reinstated into comparable jobs after pregnancy leaves?

It should be emphasized that no papers were drawn up for a pregnancy leave of absence for me in 1959 at Mrs. Dioguardi's request and for her convenience since there was a chance I might have to go to Holland with my husband. In fact, I already tried to return to SONJ for either part-time work or work without overtime the end of 1960 when my husband was looking for work in California and we had to pay for his S.A.A. flying lessons; I instead had to go to work in a night-time keypunch job with Blue Cross plus two days weekly (when my mother-in-law could watch the baby) as a temporary secretary. I was quite disappointed when I found out later when working with Esso Eastern that other secretaries with SONJ were allowed to get comparable jobs with the parent company, without overtime, and one of the married economists from the General Economics Department had been given a part-time job at her request after she had a baby -- this all during the years 1960-64 when I did not get such so-called "special treatment".

The Judge (Judge Metzner) seemed to assume that I had been home as a housewife from October 1959 until May 1963 which I had no chance to correct; I was only a housewife from October 1959 until January 1961.

I considered the Judge's remark that "she did not have to take that lower job at Esso Eastern" quite inappropriate; certainly, if I had been given the proper pregnancy leave I would have been entitled to a job with SONJ. Certainly where I was approaching 40 in 1963 and I had vested rights with SONJ regarding seniority and pension, it would have been foolish if I had not taken the lower job on a temporary (so I thought!) basis while another better job without overtime was not available. Instead, Esso Eastern took advantage of the fact that I came back for my pension rights and they could therefore ignore and underpay me.

3. While Judge Metzner thought the Exxon corporation should be left out of the suit and that "Esso Eastern was a separate company" I instead believe they should be mentioned in the complaint -- it was indeed one of the benefits mentioned in the employee job booklets that we could move freely between the N.Y. SONJ company & affiliates without losing seniority and/or benefits; Miss Irene O'Leary who took Mrs. Wilma Lewis' place after Mr. Farriner left was also a former SONJ secretary.

3(cont'd).

The computer department that did not wish to accept me with a B-grade for the test (even though others were admitted with lower grades) was in Solid department; tests and interviews always had to be arranged via department heads and the personnel department -- Mrs. Starkey knew my course was finished in April 1967 since the (partial) company refund for this course came via her division; she should then have arranged for me to take another test.

4. The remark of attorney Burrell regarding the fact that I received my pension money (with which the Judge agreed) was actually quite stupid; these were my own contributions to the fund (nowadays I understand nobody has to contribute any more) and I would have preferred to leave it in the fund but had no other income then; the company contributions stayed in the fund for general use.
5. I am also attaching a page from U.S. News & World Report, regarding a jury trial decision.

In the event of a retrial in New York (the manager-witnesses which I requested are actually much more likely to come regularly to the Esso Eastern headoffice in Houston than New York!) I trust Attorney Gregory will furnish your counsel with the necessary documents -- especially my Answers to Interrogatories with exhibits. I trust in that event your counsel will submit an amended Complaint (as sent in my previous correspondence) stating the grounds for discrimination, i.e. FOREIGN ORIGIN and SEX.

Thank you for your kind attention,

Very truly yours,

E. I. Meijer-Costerink
E. I. Meijer-Costerink

Attachments

cc: Messrs. R.F. Gregory/
Edward L. Peck,
BATTLE, FOWLER, LIDSTONE,
JAPPIN, PIERCE & KNYEL
250 Park Ave., New York 10017

EMPLOYEE RELATIONS	
MEMORANDUM	
Date:	AUG 11 '67
Manager	<input checked="" type="checkbox"/>
Asst. Mgr.	<input checked="" type="checkbox"/>
Emp. & Per. Adm.	<input checked="" type="checkbox"/>
Compensation	<input checked="" type="checkbox"/>
Benefits - Adm.	<input checked="" type="checkbox"/>
Training	<input checked="" type="checkbox"/>
Benefits - Dev.	<input checked="" type="checkbox"/>
LES	<input checked="" type="checkbox"/>
Records	<input checked="" type="checkbox"/>

DEFENDANT'S
EXHIBIT
U. S. DIST. COURT
S. D. OF N. Y.

August 11, 1967

To: C. B. Weidenbacher

Re: *LES*

Code: P74

Memorandum of August 8, 1967
from Mrs. E. I. Meijer

As agreed I had a discussion with Mrs. Meijer concerning the memorandum she wrote to you and the problems which she felt warranted this action.

Our discussion lasted approximately one hour during which time Mrs. Meijer reviewed in considerable detail her career with the company including the time she spent with SONJ. She explained in some detail various incidents and impressions which have apparently led to the current sense of frustration. There was very little in this recap that could be identified as a significant incident and in any event it was all past history about which I and others in this department have no familiarity and, therefore, on which we could contribute anything very constructive. Dealing with the present, I advised Mrs. Meijer that I had examined her salary record and the relationship of it to others in her group and concluded that she was being fairly treated. She admitted that this is the case today although she seemed to feel that it had not always been so.

I told Mrs. Meijer that we appreciated her personal problems but were only able to pay her for the services performed for the company and reminded her that the company had been understanding with regard to her inability to work overtime. She was also advised that we would encourage her and do what we could to assist her in finding promotional opportunities in the company, including computer programming work, if she could qualify herself for these tasks. I asked her why she had not retaken the programmer's test and she appeared to be unclear as to just how to go about it. I have referred her to Mrs. Starkey in your department with whom she has dealt previously. I told her that the results of her last test had not been sufficiently good for the computer people to take her on in the programming field but that she could take the test again if she wanted to. She expressed some concern about possibly not passing the test this time and I told her that this was a risk which she simply had to run if she wanted to be considered for advancement opportunities. In any event, nothing would be lost by trying again whenever she felt she was ready.

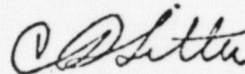
I told Mrs. Meijer that her memorandum contained some serious charges or implications of discrimination on the basis of nationality and/or religion and that if she had anything of substance behind these charges I wanted to know about them in detail so that corrective action could be immediately taken. She was unable to specify any incident to support these charges and could only vaguely refer to lack of cooperation or secretarial squabbles which she felt were motivated at least in part by these factors. I told her that if she had any evidence on this score she should make it known immediately, but that

August 11, 1967
P74

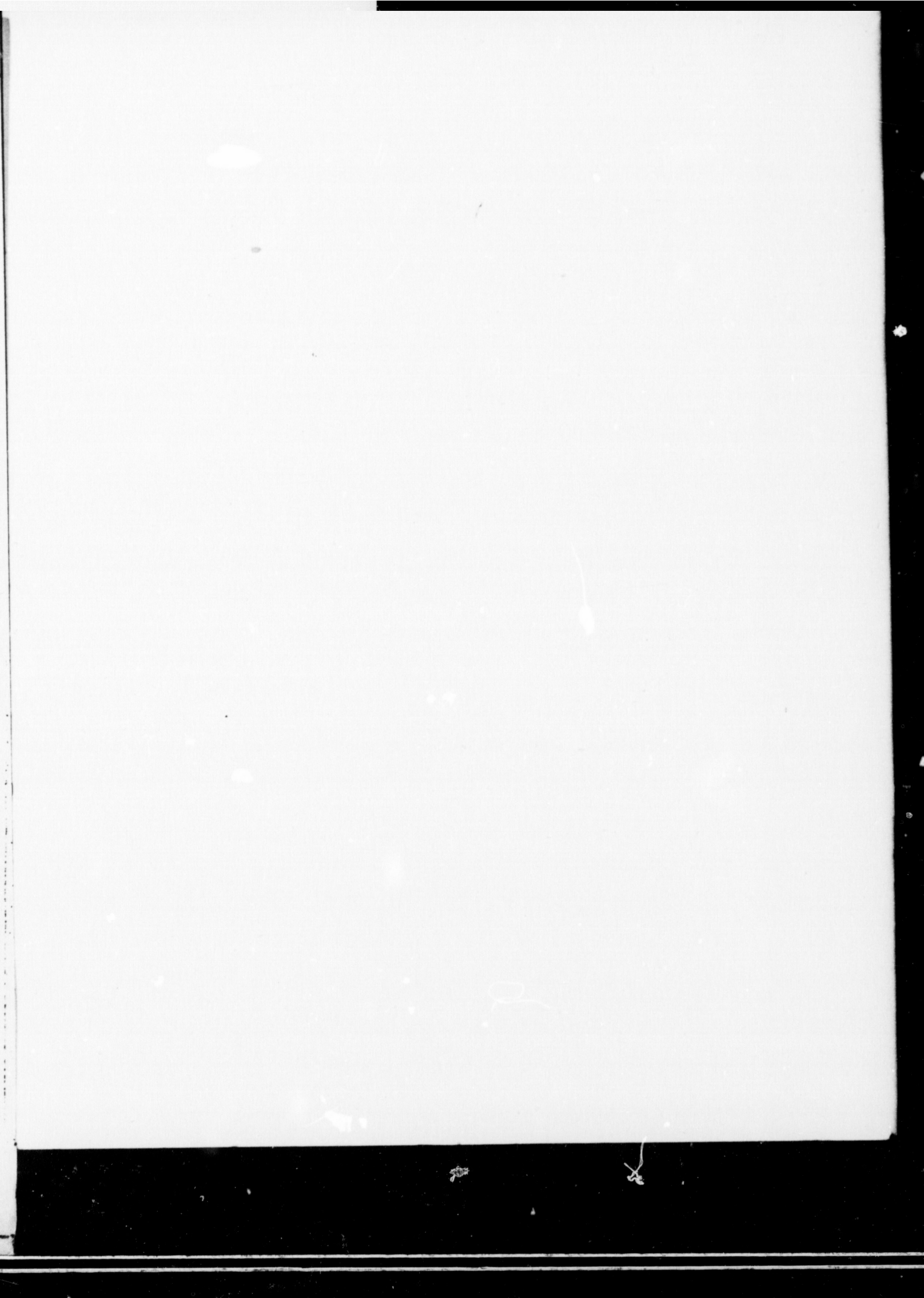
if she did not she should refrain from making this type of allegation.

During the final part of our talk I reiterated to Mrs. Meijer that we were willing to assist her in finding promotional opportunities, including the computer field, but that she would have to qualify herself for these jobs and meet the qualifications of the groups having promotional opportunities. I told Mrs. Meijer we would assist her in this way and would give objective appraisals to prospective employers if asked but could not and would not get her any special favored position in this regard. In the event that promotional opportunities were not forthcoming she was advised that she should either concentrate on doing her work here and making herself happy or, if this was impossible, consider possible opportunities outside the company. I told her that we had no basis for nor intention to terminate her at this time.

She raised again the subject of taking time off to pursue a college education. I advised Mrs. Maijer that we would not be able to give her time off for daytime study at company expense and that applicability of the educational refund plan to part-time study that she might undertake was related to the usefulness of the proposed education to job advancement; that the current studies in the computer field are under the educational refund plan. I told Mrs. Meijer that I would inquire of your department what the policy might be with regard to an educational program leading to a bachelor's degree and in this connection to determine whether or not such further education would in fact be beneficial to her advancement in the company. I understand that you are now looking into this subject and will advise.


C. R. Sitter

CRS:aws



NAME OF INDIVIDUAL				SOCIAL SECURITY NO.		COMPANY		DIVISION		RESIGN		0210			
ELLA IRENE				080 30 6192 8		EAST		FIN P		00		00			
JOB AND SALARY HISTORY												PAID		OTHER KIND	
DATE	STATUS	EVENT	CO	DEPT.	LOC.	FLSA	TITLE	GRP	INT.	%	INC.	BASE SALARY	PAID	OTHER KIND	
1200413	ACTIVE	BEG	99517	00	INDON		STENOGRAPHER-KPM STEAMS	00							
0500463	RESIGN	NON	99517	00	INDON		STENOGRAPHER-KPM STEAMS	00							
0600463	ACTIVE	BEG	99907	00	JAPAN		SECRETARY-NETHERLANDS D	00							
0600483	RESIGN	NON	99907	00	JAPAN		SECRETARY-NETHERLANDS D	00							
0800483	ACTIVE	BEG	99629	00	NETH		SECRETARY-F HIMMER-PAPE	00							
0801493	RESIGN	NON	99629	00	NETH		SECRETARY-F HIMMER-PAPE	00							
0802493	ACTIVE	BEG	99629	00	NETH		SECRETARY Director HOLLAND SYSTEMA, affil.	00							
0101513	RESIGN	NON	99629	00	NETH		SECRETARY Director HOLLAND SYSTEMA, affil.	00							
02513	ACTIVE	BEG	99517	00	INDON		SECRETARY Director HOLLAND SYSTEMA, affil.	00							
0601513	RESIGN	NON	99517	00	INDON		SECRETARY Director HOLLAND SYSTEMA, affil.	00							
0602513	ACTIVE	BEG	99518	00	NETH		SECRETARY Director HOLLAND SYSTEMA, affil.	00							
0300543	RESIGN	NON	99518	00	NETH		SECRETARY Director HOLLAND SYSTEMA, affil.	00							
0543	ACTIVE	BEG	SONJ EMPR	NY			SECRETARY Director HOLLAND SYSTEMA, affil.	00							
1022543	ACTIVE	UNS	SONJ ECON	NY			SECRETARY Director HOLLAND SYSTEMA, affil.	00							
0930593	RESIGN	NON	SONJ ECON	NY			SECRETARY Director HOLLAND SYSTEMA, affil.	00							
0514633	ACTIVE	REH	EAST PLANG	NY			SECRETARY Director HOLLAND SYSTEMA, affil.	00							
0801640		GUP					SECRETARY Director HOLLAND SYSTEMA, affil.	00							
0401650		MER					SECRETARY Director HOLLAND SYSTEMA, affil.	00							
1201650		GUP					SECRETARY Director HOLLAND SYSTEMA, affil.	00							
1001660		MER					SECRETARY Director HOLLAND SYSTEMA, affil.	00							
0601670	ACTIVE	LAT	EAST FIN P	N Y			SECRETARY Director HOLLAND SYSTEMA, affil.	00							
1031670	RESIGN	END	EAST FIN P	NY			SECRETARY Director HOLLAND SYSTEMA, affil.	00							

should be: (Ex.) Secretary (to Mr. R.M. Lewis)

15	2	9	450.00	SM
8	8	36	459.00	SM
8	4	22	517.00	SM
10	8	43	560.00	SM

C-SECRETARY- GROUP SECR.? 14
C TERMINATION 14

*There were difficulties with an envious Dutch girl who did not like the newcomer from the E. Indies getting the big job; since Mrs. Meijer knew Mr. Raben, President Geo. Wehry personally, she at her own request became stenographer in one of the depts. of Geo. Wehry.

**Mrs. Meijer was under contract; she understood she was sent out as SECRETARY and be stationed at Singapore; instead she was made a secretary-stenographer in one of the co. depts. in Djakarta; she could therefore terminate her contract with Steamsh. NEDERLAND and this was taken over by K.L.M. where she again became a secretary. She still received 4 months bonus from Steamsh. NEDERLAND for the 6 months she had been under contract.

Total secretary/stenographer experience abroad: less than 2 years;
7+ years abroad as executiv or private secretary.

MEIJER ELLA IRENE 080 30 6192 8 EAST FIN R 00 00 RESID 0210 10553
FT HILL VILLAGE APT 28 SCAR SDALE NEW YORK 7777700 914 725 4410
12 21 23 NETH MARRIED FEMALE USA NATUR BLOOD RH REL SERV
MULLER ILSE J SCAR SDALE NEW YORK BROTH/SISTER 914 SC3 6156
18 EDMONT CIRCLE CHILDREN'S BIRTHDATE AND SEX

DATE OF BIRTH 09 07 27	HUSBAND OR WIFE JOHN	NO. OF CHILDREN 1	SEX BOY	DATE 02 60
PHONE STATUS NO	NO	DEPT 974 4005	EDUC 15	EXPIR 2015
STATION RESIGNED PARTICIP ACTIVE	DATE 10 31 67 05 16 63 05 16 63	MEMO 10 097870 0	DEPT 133010	995
U.S. THREAT U.S. R.A.P.				03 22 53

DEFENDANT'S
EXHIBIT
U.S. DIST. COURT
S. D. OF N. Y.

GROUP INTR	00 00 00	2	COVERAGE	
H.S.M.	00 00 00	1	FAMILY	0 0 00
MAJOR MED.	00 00 00	0		
SURV. BLK				

PROFESSIONAL SOCIETIES

LANGUAGE PROFICIENCY

FRENCH	221	GERMAN	221	DUTCH	333	MALAY	101
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EDUCATION HISTORY

DEGREE	YR P	NIENT	CRED. YRS	CONF.
SCL	DIPL 411	NO	4	NO
	DIPL 422	NO	0	NO

TYPE OF SCHOOL
HIGH SCHOOL
OTHER SCHOOL

SCHOOL NAME
NETHLAND
NETHLND EI

LOC
INDON ACADEMIC
INDON SECRETARIAL

MO DAY CODE
0000 00001
0000 37050

KATHLEEN CLAIR

133 34 3640 8 EAST ECCOR

00 RESIGN C62066

NAME	EMPLOYMENT	CO.	DEPT.	LOC.	FLSA	JOB TITLE	DATE	TIME	RATE	OTHER RATE
5020	BLG								340.00	SM
5623	ACTIVE	BEG	EAST EMPL	NY		C SECRETARY	10/06	8 5 17	357.00	SM
1630		GUP						6 12 43	400.00	SM
1630		M&A						10 13 50	450.00	SM
1640		PRO								
1643	ACTIVE	PRO	EAST ECCOR	NY		C GROUP SECRETARY	10/07	3 2 9	459.00	SM
1640		GUP						16 5 21	480.00	SM
1650		GUP						16-09 2 13 60	540.00	SM
1660	ACTIVE	PRO	EAST ECCOR	NY		C SR SECRETARY	16-09			
1660	RESIGN	END	EAST ECCOR	N Y		C RESNGD/REMAIN AT HOME	09			

first evaluation
raise ??

recheck please

5.1

NAME OF INDIVIDUAL

KATHLEEN CLAIR

SOCIAL SECURITY NO.

133 34 3640 8

COMPANY

EAST

DEPT.

ECCOR

DIVISION

SECT.

00

TITLE

RESIGN C62066

LEHAN KATHLEEN CLAIRE 133 34 3640 8 EAST ECCOR 00 RESIGN 11354
33-36 PARSONS BLVD APT 1H FLUSHING NEW YORK
10 02 43 NY MARRIED FEMALE USA BIRTH

PLAINTIFF'S 12 866 1770
U.S. DIST. COURT 12 957 4378
S.D. N.Y.
10

LEHAN JAMES P
1301 AVE OF THE AMERICAS NEW YORK N Y

DATE 07 09 43 FIRST NAME JAMES
NO NO
974 4456 15 2140 10200 0000

RESIGNED 06 30 66
PARTICIP 05 16 63
ACTIVE 05 16 63
10% 300882 8

00 00 00 4
00 00 00 1
00 00 00 0
INDIVID 0 0 00

EDUCATIONAL SOCIETY

LANGUAGE PROFICIENCY
FRENCH 101

EDUCATION HISTORY

HI	SCL	DIPL	YR-P	CURRENT	CRD. YRS.	CONF.	TYPE OF SCHOOL	SCHOOL NAME	LOC.	TYPE
		611	NO		4	NO	HIGH SCHOOL	N ROCHELLE	NY	ACADEMIC
		622	NO		1	NO	OTHER SCHOOL	BERK SEC	N Y	COMMERCIAL

0000 0000
0000 3705

(4)

MEMORANDUM

September 27, 1967

To: C. B. Weidenbacker

Re:.

Attention: Mrs. L. E. Starkey

Code: P74

Mrs. E. I. Meijer

Following our conversation regarding a possible secretarial promotional opportunity in the Marketing Department, I spoke to Mrs. Meijer in an effort to set up an interview date for her. Mrs. Meijer indicated that she was not interested in the promotional opportunity and declined to go on an interview. She stated that she had talked to Mr. Sitter previously and was firm in her wish to begin a one-year's educational leave commencing October 1, 1967.

C. R. Sitter

A. W. Schwartz

By A. W. Schwartz

aws

ESSO EASTERN INC.

ECONOMICS COORDINATION DEPARTMENT/FINANCE & PLANNING DEPARTMENT
SECRETARY SALARY SUMMARY 1964 - 67

	M. BRATLAND	E. MEIER	K.C. DOW (Lehan)	J.K. Lee
	ex-file clerk, beg. secretary	experienced secr. (15+ years 1963)	beg. secretary	beg. secr./steno?
54				
Salary Group	10	10	10	
Position Title	Group Sec.	Group Sec	Group Sec	
Salary 12-31-63	525	450	400	
Increases during 1964	11	9	50 and 9	
Salary 12-31-64	536	459	459	
55				
Salary Group	10	10	10	
Position Title	Group Sec.	Group Sec.	Group Sec.	
Salary 12-31-64	536	459	459	
Increases during 1965	34	36		
	26	22	21	
Salary 12-31-65	596	517	480	
56				
Salary Group	10	10	8	
Position Title	Group Sec.	Group Sec.	Sr. Sec.	
Salary	596	517	480	
Increases during 1966		43	60	
Salary 12-31-66	596	560	Resigned 540	
		end 1966	6/30/66	
57				
Salary Group	10	10		10
Position Title	Group Sec.	Group Sec.		Group Sec.
Salary 12-31-66	596	560		383
Increases during 1967				17
				55
Salary 12-31-67	596	560		455
		Terminated		
		Oct. 31, 1967		